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S&H Form: (2/01)

Docket No.: 1293.1706

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-hun CHOI

Serial No. 10/601,666

Group Art Unit: 2829

Confirmation No. 8429

Filed: June 24, 2003

Examiner: Nguyen, Tung X.

For: APPARATUS FOR AND METHOD OF MEASURING POWER CONSUMPTION

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed September 9, 2004, having a shortened period for response set to expire on October 9, 2004. The following remarks are provided.

I. Provisional Election of Species Pursuant to 37 CFR §1.142

Applicant provisionally elects **Group I (FIG. 1)**, in response to the preliminary restriction requirement set forth in the Office Action and identifies the following claims as reading on the species: 4-9, 15, 16, 18, 20-22, 24 and 26. Applicant submits that upon closer inspection, the Examiner will find that claims 7, 15, 16, 21 and 22 are generic to both species.

II. Applicant Traverses the Requirement

Insofar as **Group II (FIG. 2)** is concerned, it is believed that claims 1-3, 10-14, 17, 19, 23 and 25 are so closely related to the elected claims that the **Group II** claims should be examined together with the elected claims. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicant in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious

burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is not required.

III. Conclusion

In view of the foregoing remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/7/04

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